

111TH CONGRESS
1ST SESSION

H. R. 1765

To amend title XVIII of the Social Security Act with respect to payment for the furnishing of intravenous immune globulin (IVIG) in a patient's home for the treatment of primary immune deficiency diseases and to cover certain disposable pumps as durable medical equipment in place of non-disposable pumps under the Medicare Program.

IN THE HOUSE OF REPRESENTATIVES

MARCH 26, 2009

Ms. MATSUI (for herself and Mr. TANNER) introduced the following bill; which was referred to the Committee on Energy and Commerce, and in addition to the Committee on Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title XVIII of the Social Security Act with respect to payment for the furnishing of intravenous immune globulin (IVIG) in a patient's home for the treatment of primary immune deficiency diseases and to cover certain disposable pumps as durable medical equipment in place of non-disposable pumps under the Medicare Program.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. MEDICARE PAYMENT FOR ITEMS AND SERV-**
 2 **ICES RELATING TO THE FURNISHING OF IN-**
 3 **TRAVENOUS IMMUNE GLOBULIN (IVIG) IN A**
 4 **PATIENT'S HOME FOR THE TREATMENT OF**
 5 **PRIMARY IMMUNE DEFICIENCY DISEASES.**

6 (a) **COVERAGE.**—Section 1861 of the Social Security
 7 Act (42 U.S.C. 1395x) is amended—

8 (1) in subsection (s)(2)(Z) by inserting “and
 9 items and services related to the administration of
 10 intravenous immune globulin” after “globulin”; and

11 (2) in subsection (zz), by striking “, but not in-
 12 cluding items or services related to the administra-
 13 tion of the derivative,”.

14 (b) **PAYMENT.**—Section 1842(o) of such Act (42
 15 U.S.C. 1395u(o)) is amended—

16 (1) in paragraph (7)—

17 (A) by striking “(6)” and inserting “(7)”;
 18 and

19 (B) by redesignating such paragraph as
 20 paragraph (8); and

21 (2) by inserting after paragraph (6) the fol-
 22 lowing new paragraph:

23 “(7)(A) Subject to subparagraph (B), in the case of
 24 intravenous immune globulins furnished on or after Janu-
 25 ary 1, 2010, under section 1861(s)(2)(Z), the Secretary
 26 shall provide for a separate payment for items and services

1 related to the administration of such intravenous immune
 2 globulins in an amount that the Secretary determines to
 3 be appropriate based on a review of available published
 4 and unpublished data and information, including the
 5 Study of Intravenous Immune Globulin Administration
 6 Options: Safety, Access, and Cost Issues (CMS Contract
 7 #500–95–0059). Such payment amount may take into ac-
 8 count the following:

9 “(i) Pharmacy overhead and related expenses.

10 “(ii) Patient service costs.

11 “(iii) Supply costs.

12 “(B) The separate payment amount under this para-
 13 graph for intravenous immune globulins furnished in 2011
 14 or a subsequent year shall be equal to the separate pay-
 15 ment amount determined under this paragraph for the
 16 previous year increased by the percentage increase in the
 17 consumer price index for medical care for the 12-month
 18 period ending with June of the previous year.”.

19 **SEC. 2. MEDICARE COVERAGE OF DISPOSABLE PUMPS AS**
 20 **ITEMS OF DURABLE MEDICAL EQUIPMENT IN**
 21 **CERTAIN CASES.**

22 (a) IN GENERAL.—Section 1861(n) of the Social Se-
 23 curity Act (42 U.S.C. 1395x(n)) is amended by inserting
 24 before the semicolon the following: “and includes a dispos-
 25 able pump prescribed, instead of a non-disposable external

1 infusion pump, for administration of a drug used as part
2 of a chemotherapy regimen for the treatment of colorectal
3 cancer if a non-disposable external infusion pump would
4 have been covered under this subsection to administer the
5 same drug for the same indication as of July 1, 2008”.

6 (b) EFFECTIVE DATE.—The amendment made by
7 subsection (a) shall apply to disposable pumps furnished
8 on or after January 1, 2010.

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